Appl. No.: 10/029,159
Amdt. dated 10/13/2005
Reply to Office action of July 19, 2005

REMARKS

The Official Action continued to reject Claims 21-27 and 33-42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0010698 to Dong Wook Shin, et al. In view of the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the previously presented set of claims.

In general terms, embodiments of the present invention are directed to locking selected content in a user device, such as a wireless mobile device, such that the selected content is repeatedly presented until a locking requirement is met. The selected content may take various forms, including a ring tune or a screen saver that is presented by being played or displayed, respectively, until the locking requirement is met. The locking requirement can also take various forms, such as a predefined number of days or a predefined amount of usage, such as a predefined number of instances in which a ring tune is played or a screen saver is displayed.

In one example, a network based device can present the user of a wireless mobile device with the opportunity to lock in some selected content in exchange for a reward, such as a discounted movie ticket. In some instances, the user is presented with several different locking requirements associated with the same selected content with those locking requirements that require the selected content to be locked in for longer periods of time or to be used more times also being associated with greater rewards, such as a more deeply discounted movie ticket. The user can then select one of the locking requirements, and the selected content and associated locking requirement are then downloaded from the network based device and stored by the user device. Thereafter, the selected content is provided to the user in accordance with the locking requirement. In this regard, the selected content may be repeatedly presented by the user device until the selected locking requirement is met. For example, a user may lock a ring tune that is a snippet of a new movie's theme song, for two weeks in exchange for 50% off of a ticket to that same movie. Thus, the selected ring tune would be played in response to every incoming call during the next two weeks.

Independent Claim 21 is directed to a method for providing selected content from a

network based device to a user device. The network based device receives an indication of the selected content, presents at least one locking requirement associated with the selected content to the user device, receives a selection of at least a first locking requirement at the network based device in response to the presentation of at least one locking requirement, and thereafter provides the selected content from the network based device to the user device together with the at least first locking requirement following selection of the content and at least the first locking requirement, thereby permitting the selected content to be operated upon pursuant to the first selected locking requirement.

The Shin '698 publication describes a method of securing electronic documents and/or text messages that are transmitted through a network. These electronic documents are secured by a locking function that locks the message until some predefined reading condition is met. Exemplary reading conditions include a date on which the electronic document can be opened, a particular reader who can open the electronic document, or questions that a potential reader must answer correctly in order to access the locked electronic document. These reading conditions are chosen by the drafter/sender of the electronic message and prevent the receiving device from accessing the document unless the reading conditions are satisfied.

In contrast to the Shin '698 publication, independent Claim 21 recites that at least one locking requirement is presented to the user device, and a selection of at least the first locking requirement is received at the network based device from the user device such that the selected content and at least the first locking requirement that has been selected are thereafter provided by the network based device to the user device. Thus, the user device to which the network based device eventually downloads the selected content and the selected locking requirement is also the user device at which at least one locking requirement is initially presented and at which a selection of at least the first locking requirement is received. With reference to the Shin '698 publication by contrast, the source of an electronic document (not the recipient) selects a locking condition to be associated with the electronic document prior to downloading or transmitting the electronic document to a recipient. For example, the author or distributor of an electronic document may select to password protect the electronic document prior to transmitting the electronic document to a recipient.

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Furthermore, as explained above, Claim 21 recites that at least one locking requirement is presented to the user device, and a selection of at least the first locking requirement is received at the network based device from the user device such that the selected content and at least the first locking requirement that has been selected are thereafter provided by the network based device to the user device. The Shin '698 publication does not teach or suggest a network device that presents the user device (the eventual receiver of the selected content) with at least one locking requirement and then receives, from the user device, a selected locking requirement in response to the presentation of at least one locking requirement, and only thereafter provides the selected content from the network based device to the user device together with the locking requirement. In contrast, the Shin '698 publication describes a method where the user device downloads an electronic document that is already associated with a locking function. Thus, in the Shin '698 publication, the user device is not presented with a locking function that the user device previously had an option to select prior to the downloading of the electronic message with the selected locking function.

In the "Response to Arguments" section, the Official Action agrees "that in Shin et al's inventive concept, the drafter (the source) selects at least one locking condition from among those provided from the text message management program". See the sentence bridging pages 6 and 7 of the Official Action. However, the "Response to Arguments" continues by stating that it is unclear in the claimed invention as to who is selecting the locking condition. See page 7 of the Official Action. In particular, the "Response to Arguments" states "[i]t appears the selection of the locking requirement is being controlled by an entity other than the user of the device and the user is simply receiving the locking requirement from the content provider." Applicants disagree that the claimed invention is unclear as to who is selecting the locking condition and, instead, submit that the claims clearly indicate that the selection of the locking requirement is made by the user device. For purposes of clarification, independent Claim 21 recites that one or more choices of possible locking requirements are presented to the user device and a selection is then provided by the user device (for receipt by the network based device). For example, a user device may be presented with three possible locking requirements with three corresponding rewards, e.g., a first possible requirement to lock in the theme song of a new movie as the ring

tune of the user device for one week in exchange for a 30% discount to the new movie, a second possible requirement to lock in the theme song of a new movie as the ring tune of the user device for two weeks in exchange for a 50% discount to the new movie, and a third possible requirement to lock in the theme song of a new movie as the ring tune of the user device for three weeks in exchange for a 80% discount to the new movie. The user then selects one of the possible locking requirements and notifies the network based device of the selection. As such, Applicants submit that independent Claim 21 does clearly recite that the user device makes the selection of the locking requirement in direct contrast to the selection of the locking requirement by the source of the document as described by the Shin '698 publication and as noted by the Official Action.

Likewise, independent Claim 22 recites receiving at least one locking requirement at the wireless mobile device, selecting acceptance of at least a first locking requirement at the wireless mobile device, and then receiving the selected content and storing the selected content at the wireless mobile device following selection of the content and the first locking requirement. As described above, the Shin '698 publication does not teach or suggest the display of at least one locking requirement and the subsequent acceptance of a first one of the displayed locking requirements by the wireless mobile device to which the selected content is thereafter downloaded and stored. In direct contrast, the locking condition is applied to an electronic document by the source of the document prior to transmission to a recipient in accordance with the Shin '698 publication.

For each of the foregoing reasons, independent Claims 21 and 22, as well as the claims that depend therefrom, are not taught or suggested by the Shin '698 publication.

Independent Claim 35 recites a mobile device including a content manager capable of selectably locking the selected content pursuant to a first selected locking requirement such that the selected content is repeatedly presented until the first selected locking requirement is met, determining when the first selected locking requirement is met, and unlocking the selected content when the first selected locking requirement is determined to have been met such that the selected content is no longer required to be repeatedly presented. As described by independent Claim 35, the selected content is therefore repeatedly presented until the first selected locking

requirement is met, at which time the selected content need no longer be repeated. In direct contrast, the Shin '698 publication describes a method of locking an electronic document that prohibits the electronic document from being opened and operated until after the locking condition is met. Thus, independent Claim 35 recites the repeated presentation of the selected content until the first selected locking requirement is met, while the Shin '698 publication describes the prevention of the opening or other operation of the electronic document until the locking condition is met.

The Official Action points out that in the Shin '698 publication, if someone tries to improperly access the protected electronic document, the person seeking access may be provided with a guide message such as "please wait" if the document is protected for a specific length of time, or "You are not the right person" if the person enters the wrong name or password or fails a quiz question required to unlock the document. The Official Action then equates the guide message displayed in the foregoing example to the repeated presentation of the selected content of independent Claim 35. For at least the reasons set forth below, Applicant respectfully disagrees with this analysis. In contrast to the Shin '698 publication, the mobile device of Claim 35 repeatedly presents the selected content until the first selected locking requirement is met, at which time the selected content is no longer required to be repeated. In the Shin '698 publication, however, the specific purpose of the locking requirement is to prevent display of the selected content (termed the locked text message in the "Response to Arguments") until the locking requirement is satisfied. Any guide message that is presented before the document is unlocked is not "selected content" that is locked into wireless mobile device and repeatedly presented, as recited by independent Claim 35.

Independent Claim 36 includes a step of presenting at least a first locking requirement associated with the selected content to a user device with the locking requirement defining a specific period of time or a specified amount of usage for which the content is locked in the user device and is required to be presented. Independent Claim 36 also recites that the selected content and the first locking requirement are provided from a network based device to the user based device to permit the selected content to be repeatedly presented until the first selected locking requirement is met. As described above, the Shin '698 publication does not define a

locking requirement in terms of either a specific period of time or a specific amount of usage for which the content is locked in and required to be presented at the user device. Instead, as described by the Shin '698 publication, the electronic document is actually prevented from being accessed by the user device so long as the locking condition is not met. Additionally, as described above, the Shin '698 publication does not teach or suggest the repeated presentation of the selected content until the first selected locking requirement is met, as recited by independent Claim 36.

Similarly, independent Claim 39 includes the step of receiving the first locking requirement associated with selected content at a user device with the locking requirement defining a specific period of time or a specific amount of usage for which the content is locked in and required to be presented at the user device. After having accepted the first locking requirement, the selected content is received and stored and thereafter repeatedly presented with the user device until the first selected locking requirement is met. As described above, the Shin '698 publication does not define a locking requirement in terms of either a specific period of time or a specific amount of usage for which the content is locked in and required to be presented at the user device. Instead, as described by the Shin '698 publication, the electronic document is actually prevented from being accessed by the user device so long as the locking condition is not met. Additionally, as described above, the Shin '698 publication does not teach or suggest the repeated presentation of the selected content until the first selected locking requirement is met.

Independent Claim 42 is directed to a wireless mobile device that includes a content manager for receiving and managing selected content. In regards to the management of the selected content, the content manager of independent Claim 42 locks in the selected content pursuant to a first locking requirement such that the selected content is repeatedly presented until the first locking requirement is met. As described above, the Shin '698 publication does not teach or suggest the repeated presentation of the selected content until the first selected locking requirement is met. Independent Claim 42 also defines the wireless mobile device to include a memory for storing a plurality of profiles. Each profile includes an identifier indicative of the use of the locked in, selected content. The Shin '698 publication does describe the structure of a locked document as shown in Figure 2B to have a number of fields including a field indicative of

whether or not the document is locked, a field that defines the locking condition, a field that defines the message to be presented if the locking condition is not satisfied and a field that contains hierarchy information such as the author. However, none of the fields of the structure of the locked document nor any other portion of the Shin '698 publication teaches or suggest a memory containing profiles that each include an identifier indicative of the use of the locked in, selected content, as set forth by independent Claim 42. Instead, in the Shin '698 publication, once the locking condition is satisfied, a user is not limited in the use that can be made of the electronic document.

For each of the foregoing reasons, independent Claims 35, 36, 39 and 42, as well as the claims that depend therefrom, are not taught or suggested by the Shin '698 publication.

Conclusion

In view of the foregoing remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

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Sheila Hayes — October 13, 2005
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